

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/018,809	03/25/2002	Anand Srinivasan	WLJ.078	2132
7590 03/19/2004		EXAMINER		
Volentine Francos			GOUDREAU, GEORGE A	
Suite 150 12200 Sunrise Valley Drive			ART UNIT	PAPER NUMBER
Reston, VA 20191			1763	

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	Office Action Summary		Application No.	Applicant(s)				
Secretary   Sec			10/018,809	SRINIVASAN ET AL.				
- The MAILNG DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estimations of micromal by envisional order the provision of 3 C FR 1.13(liq.). In no event, however, may a reply be timely filled  — If the period for reply is specified above, the maximum statutory period will apply and vell engines. (S) (MONTH for the mailing date of this communication. — Any reply received by the Office later than from morbins after the mailing date of this communication. — Any reply received by the Office later than from morbins after the mailing date of this communication. — Any reply received by the Office later than from morbins after the mailing date of this communication. — Any reply received by the Office later than from morbins after the mailing date of this communication. — Any reply received by the Office later than from morbins after the mailing date of this communication. — Any reply received by the Office later than from morbins after the mailing date of this communication. — Any reply received by the Office later than from morbins after the mailing date of this communication. — Any reply received by the Office later than from morbins after the mailing date of this communication. — Any reply received by the Office later than the mailing date of this communication.  1) □ Claim (S) □ In and 13-20 is/are pending in the application.  4) □ Claim (S) □ Int and 13-20 is/are pending in the application.  4) □ Claim (S) □ Int and 13-20 is/are pending in the application.  4) □ Claim (S) □ Int and 13-20 is/are rejected.  5) □ Claim (S) □ Int and 13-20 is/are pending in the application requirement.  Application Papers  9 □ The specification is objected to by the Examiner.  10) □ The drawing (S) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner.  20) □ The drawing (S) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner.  21) □			Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of terms may be available enable the processor of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  Extensions of terms may be available enable the processor of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  Extensions of terms may be available enable the processor of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  Extensions of terms of the maintenant of 10 CFR 1.136(a). In no event, however, may a reply be timely filed  Extensions of the maintenant of 10 CFR 1.136(a) and will expire 32 K(6) MONTHS from the mainting date of this communication of the processor of 10 CFR 1.136(a). Any reply accessed by the Office into the fine time filed mainting date of this communication. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on (12-01 to 12-03).  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-11 and 13-20 is/are pending in the application.  4) □ Claim(s) 1-13 and 13-20 is/are ejected.  7) □ Claim(s) 1-13 are 3.20 is/are ejected.  7) □ Claim(s) 1-13 are 3.20 is/are ejected.  7) □ Claim(s) 1-13 are 3.20 is/are ejected to .  8) □ Claim(s) 1-13 are 3.20 is/are ejected to .  8) □ Claim(s) 1-13 are 3.20 is/are ejected to .  8) □ Claim(s) 1-13 are 3.20 is/are ejected .  10 □ The drawing(s) filed on 1-13-20 is/are ejected.  7) □ Claim(s) 1-13 are 3.20 is/are allowed.  8) □ Claim(s) 1-13 are 3.20 is/are allowed.  9) □ The specification is objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  Application Papers  10 □ The drawing(s) filed on 1-13-20 is/are replected.  11 □ Replacement drawing sheet			- I					
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Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)	a)[	<ul> <li>All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents</li> <li>2. Certified copies of the priority documents</li> <li>3. Copies of the certified copies of the priority</li> <li>application from the International Bureau</li> </ul>	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No d in this National Stage  d. Ylorye A Joulne				
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1. Claims 4, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- -The wording used in claims 4, and 13 is confusing. The examiner is uncertain what combination of gasses applicant is trying to claim in these claims. Applicant should reword these claims.
- 2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlstrom et. al. (12-1999').
  - Carlstrom et. al. disclose a process for the ribe etching of a InP layer on top of a GaInAsP substrate using an etch mask which is comprised of Si3N4, and a plasma which is comprised of either of trimethylamine (TMA) or trimethylamine-argon. This is discussed on pages 2660-2663. This is shown in figures 1-4.
- 4. Claims 1-6, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujiwara et. al. (5,534,109).

Fujiwara et. al. disclose a process for etching a HgCdTe substrate using a patterned resist etch mask, and a plasma which is comprised of any of methylamine (MA), or dimethylamine (DMA). An inert gas such as argon may optionally be added to the plasma etchant. An ECR etching apparatus may be

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used to conduct a low damage etching process. This is discussed specifically in column 6; and discussed in general in columns 1-8. This is shown in figures 1-10.

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 7. Claims 7-11, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied in paragraph 4 above.

The reference as applied in paragraph 4 above fail to specifically disclose the following aspects of applicant's claimed invention:

-the specific etch process parameters which are claimed by the applicant; and -the specific usage of the type of etching apparatus which is claimed by the applicant

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It would have been obvious to one skilled in the art to employ the specific type of etching apparatus which is claimed by the applicant in the etching process taught above. The usage of the specific types of etching apparatus which are claimed by the applicant is conventional or at least well known in the plasma etching arts. (The examiner takes official notice in this regard.) Further, this simply represents the usage of an alternative, and at least equivalent means for conducting the etching process taught above to the specific means which are taught above.

It would have been prima facie obvious to employ any of a variety of different etching process parameters in the etching process taught above. These are all well known variables in the plasma etching art, which are known to affect both the rate and the quality of the plasma etching process. Further, the selection of particular values for these variables would not necessitate any undo experimentation, which would have been indicative of unexpected results.

Alternatively, it would have obvious to one skilled in the art to employ the specific etch process parameters which are claimed by the applicant based upon In re Aller as cited below.

"Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller, 220 F. 2d 454, 105 USPQ 233, 235 (CCPA).

Further, all of the specific process parameters, which are claimed by the applicant are results effective variables whose values are known to affect both the rate, and the quality of the plasma etching process.

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8. Claims 5-11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied in paragraph 3 above.

The reference as applied in paragraph 3 above fail to specifically disclose the following aspects of applicant's claimed invention:

-the specific etch process parameters which are claimed by the applicant; and -the specific usage of the type of etching apparatus which is claimed by the applicant

It would have been obvious to one skilled in the art to employ the specific type of etching apparatus which is claimed by the applicant in the etching process taught above. The usage of the specific types of etching apparatus which are claimed by the applicant is conventional or at least well known in the plasma etching arts. (The examiner takes official notice in this regard.) Further, this simply represents the usage of an alternative, and at least equivalent means for conducting the etching process taught above to the specific means which are taught above.

It would have been prima facie obvious to employ any of a variety of different etching process parameters in the etching process taught above. These are all well-known variables in the plasma etching art, which are known to affect both the rate and the quality of the plasma etching process. Further, the selection of particular values for these variables would not necessitate any undo experimentation, which would have been indicative of unexpected results.

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Alternatively, it would have obvious to one skilled in the art to employ the specific etch process parameters which are claimed by the applicant based upon In re Aller as cited above.

Further, all of the specific process parameters which are claimed by the applicant are results effective variables whose values are known to affect both the rate, and the quality of the plasma etching process.

9. Any inquiry concerning this communication should be directed to examiner

George A. Goudreau at telephone number 571-272-1434.

(Moude o an George A. Goudreau Primary Examiner

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